

**APR 10 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RANDALL D. SCHLEVE,

Defendant - Appellant.

No. 05-30244

D.C. No. CR-04-00086-RFC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Randall D. Schleve appeals from his jury-trial conviction and sentence for railroad retirement fraud and theft of government property, in violation of 18 U.S.C. §§ 1001(a)(1) and 641.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Schleve has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Schleve has not filed a pro se supplemental brief.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83-84 (1988), discloses no grounds for relief. We therefore **GRANT** counsel's motion to withdraw and **AFFIRM** the district court's judgment.

**AFFIRMED.**